

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-0030 PJH

v.

**ORDER FOR MENTAL EXAMINATION**

MARCUS BELTON,

Defendant.

Upon finding, on its own motion pursuant to 18 U.S.C. § 4241(a), that there is reasonable cause to believe that the defendant may presently be mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court ORDERS pursuant to 18 U.S.C. § 4241(b) that a mental examination of defendant, who is in the pretrial custody of the United States Marshal, be conducted to determine defendant's competence to stand trial and to assist in his defense. *See United States v. Bradshaw*, 690 F.2d 704, 712 (9th Cir. 1982).


Pursuant to 18 U.S.C. § 4247(b), defendant is committed to the custody of the Attorney General for placement in a suitable facility for the examination, such custody not to exceed thirty (30) days. Unless impracticable, the mental examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for an extension of time, not to exceed fifteen (15) days, upon a showing of good cause that the additional time is needed to observe and evaluate defendant. A report shall be prepared in accordance with 18 U.S.C. § 4247(c) and submitted to the court within seven

(7) days of defendant's release from the facility. The court will set the matter for a hearing pursuant to the provisions of 18 U.S.C. § 4247(d) to determine the mental competency of defendant, following issuance of the report on the mental examination and the return of defendant to this district.

To ensure that the delay resulting from transportation to and from the examination does not exceed the ten (10) days that are excluded from computing time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(F), the court ORDERS the United States Marshal to transport defendant to the examination facility within ten (10) days of this order, and further ORDERS the United States Marshal to return defendant to this district within ten (10) days of the completion of defendant's examination. If the United States Marshal is unable to provide defendant transportation to the examination facility within a ten-day period, the Marshal shall return defendant to the court for further proceedings on the next available law and motion day of the assigned judge.

**IT IS SO ORDERED.**

Dated: August 21, 2014

  
PHYLLIS J. HAMILTON  
United States District Judge

cc: United States Attorney's Office, AUSA Kumar  
United States Marshal's Service